IN THE HIGH COURT OF BOMBAY AT GOA
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WRIT PETITION NO. 592 OF 2003

Shri Suresh Parvatkar,
major of age, r/o
Vellavaddo, Pilerna,
Bardez, Goa. ... Petitioner.

Versus

1. State of Goa,
represented through its
Law Secretary, having
his office at
Secretariat, Panaji,
Goa,

2. Shri Servo Fernandes,
Assistant Director of
Transport, Government of
Goa, having his office
at Kadamba Bus Stand,
Panaji, Goa, and

3. The Director of Transport,
Government of Goa,
having his office at
Junta House, First Floor,
Panaji, Goa. ...Respondents.

Shri A. V. Nigalye, advocate for the petitioner.

Ms. Winnie Coutinho, Government Advocate for the State/respondents.

CORAM : A. M. KHANWILKAR, J.

DATE : 11th December, 2003.

ORAL ORDER

Heard. Learned counsel contends that the decision under challenge is unsustainable because proper opportunity was not afforded to the petitioner. There is no substance in this grievance. After conducting the necessary enquiry the impugned Order came to be passed against the petitioner. The authority has considered all the material on record and I find no reason to depart from the conclusion reached about

the finding of guilt against the petitioner.

2. It is next contended that in any case, suspension for a period of 60 days is disproportionate. Moreover, it is discriminatory because in respect of the same incident the driver has been given lesser punishment of suspension of only 15 days. There is no substance in both these contentions with regard to the nature of the punishment imposed. In the first place, as rightly submitted by the learned counsel for the respondent, the punishment period of the petitioner has already expired. In any case, I find no reason to accept the grievance made that the punishment is either disproportionate or discriminatory, as such. On the other hand, the authorities below have recorded good reason for applying different punishment to the driver and the conductor, though involved in the same incident. The driver candidly conceded his mistake and tendered apology besides giving undertaking that he will not repeat it in future, whereas the petitioner, who was the conductor of the same bus contested the position and denied the charge. After the enquiry, finding recorded is that the charge has been established. If that is so, no fault can be found with the authority in having imposed suspension of 60 days as well as imposing different punishments for the driver and the conductor, in respect of the same incident.

3. This is not a case for interference in exercise

of writ jurisdiction. Petition rejected.

A. M. KHANWILKAR, J.

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